

Docket No. 2000-096DIV5  
PATENT

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BY: Suzanne Bradley  
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APR 29 2004

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Boussic et al.

Confirmation No. 5784

Serial No.: 09/992,630

Group Art Unit: 1621

Filed: 11/6/01

Examiner: Nazario  
Gonzalez, P.For: Substituted Pyridyl Amine  
Complexes And Catalysts

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REPLY/AMENDMENT A

Sir:

This Reply/Amendment A is submitted in response to the Office action dated March 4, 2004. The applicant respectfully requests reconsideration of the above-referenced patent application in view of the following remarks.

## REMARKS

Claims 1-17 are now pending in the above-referenced patent application.

## I. Provisional Rejections for Obviousness-Type Double Patenting

Claims 1-17 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 7-30 of co-pending U.S. Patent Application No. 09/992,789. See paragraph 3 at page 2 of the Office action.

The applicant is filing a Terminal Disclaimer with respect to U.S. Patent Application Serial No. 09/992,789, to obviate this basis for rejection. This filing is being made to advance the prosecution of this case, without prejudice, and without admitting to or otherwise acquiescing to the aforementioned remarks set forth in the Office action.

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IE 517 \* RCVD AT 4/29/2004 7:20:44 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/1 \* DNI:3729306 \* CSID:+1 408 773 4029 \* DURATION (mm:ss):02:22

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**TOTAL AMOUNT OF PAYMENT: \$ 110.00****METHOD OF PAYMENT**

The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 50-0496

Deposit Account Name: Symyx Technologies, Inc.

[X] Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

[ ] Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance

**FEE CALCULATION****1. EXTRA CLAIM FEES**

		Extra Claims	Fee from below	Fee Paid
Total Claims		-20** =	X	=
Independent Claims		-3** =	X	=
Multiple Dependent Claims (first appearance) \$290/145				

\*\*or number previously paid, if greater; For Reissues, see below

Large Entity Fee Code	Entity Fee (\$)	Small Entity Fee Code	Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>				

**2. Conclusion**

The applicant notes that the Office action does not set forth any basis for rejection for any of claims 1-17 other than the double patenting rejections. In view of the Terminal Disclaimer being filed herewith, the applicant therefore believes that all claims are now in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

The Examiner is hereby authorized to charge the fees required in connection with this Reply to Deposit Account No. 50-0496, in accordance with the Transmittal submitted herewith. The Examiner is also authorized to debit any other fees required in connection with this application, or to credit any overpayment of fees in connection with this application to Deposit Account No. 50-0496.

Respectfully submitted,



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Date Submitted: 4/29/04